

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 SY-05 USSS-00 FBIE-00 SAM-01

SAJ-01 IO-10 ACDA-05 SCCT-01 /074 W
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O R 071724Z MAR 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 8539

USMISSION USBERLIN IMMEDIATE

INFO AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 03866

E.O. 11652: GDS

TAGS: PGOV, PFOR, WB, GW, US, UK, FR, UR

SUBJECT: PARTICIPATION OF FRG FEDERAL PROSECUTOR GENERAL
IN LORENZ CASE INVESTIGATIONS

REF: USBER 432 NOTAL

SUMMARY: BONN GROUP MEETING HELD MARCH 6 TO DISCUSS
ACTIVITIES OF FEDERAL PROSECUTOR GENERAL (GENERALBUNDES-
ANWALT--GBA) IN BERLIN IN CONNECTION WITH LORENZ CASE
INVESTIGATIONS. FRG HAS PROVIDED ALLIES WITH CLARIFYING
INFORMATION BUT ALLIES HAVE EXPRESSED UNHAPPINESS OVER
LACK OF PRIOR CONSULTATION IN WHAT UNDOUBTEDLY IS A
SENSITIVE AREA. SOME ELEMENTS OF FRG PRESS CONTINUE TO
EMPHASIZE ROLE OF GBA IN BERLIN INVESTIGATIONS AND WE
HAVE TOLD FRG THAT PUBLIC CLARIFICATION OF SITUATION
NEEDED. END SUMMARY.

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1. ALLIED EMBASSIES LEARNED MARCH 6 VIA PRESS REPORTS

THAT GENERALBUNDESANWALT, BUBACK, HAD GONE TO BERLIN MARCH 5 AND WAS INSPIRING PUBLICITY THAT HE WAS IN BERLIN TO DIRECT INVESTIGATION OF LORENZ CASE. AT BONN GROUP MEETING CALLED TO LOOK INTO MATTER, ALLIES EXPRESSED DEEP CONCERN TO FRG OVER PUBLICITY-SEEKING ASPECTS OF GBA'S ACTIONS AND OVER FAILURE TO CONSULT IN ADVANCE. ALLIED REPS SAID THAT LACK OF CONSULTATION PARTICULARLY REGRETTABLE IN VIEW OF KNOWN SOVIET SENSITIVITIES WITH RESPECT TO ROLE OF FEDERAL ORGANS IN BERLIN, AS WAS RE-EMPHASIZED BY FEB 27 PROTEST IN MOSCOW REGARDING BUNDESGERICHTSHOF. DISCUSSION ALSO HELD ON LEGAL BASIS FOR BUBACK'S ACTIONS. FRG REP RESPONDED THAT "HIGH LEVEL" OF FRG FON OFF HAD BEEN QUERIED BY JUSTICE MINISTRY TO WHICH FON OFF RESPONDED THAT BUBACK SHOULD NOT GO TO BERLIN (NECESSARY ACTIVITIES OF GBA WITH RESPECT TO LORENZ CASE WOULD BE HANDLED ROUTINELY BY GBA REP IN BERLIN) BUT JUSTICE MINISTER VOGEL "OVERRULED" FON OFF VIEW. FRG RESPONSE ON QUESTION OF LEGAL BASIS OF BUBACK'S ACTIONS WAS ALONG LINES SET OUT BY USBER IN REFTEL. FRG REPS UNDERTOOK TO INVESTIGATE AND PROVIDE RESPONSES TO ALLIED QUESTIONS AS SOON AS POSSIBLE AFTER FON OFF - JUSTICE MINISTRY CONSULTATION.

2. FRG REP LATER IN DAY INFORMED ALLIES BY TELEPHONE THAT JUSTICE MINISTER VOGEL, AFTER DISCUSSING MATTER WITH BUBACK, HAD APPROVED THE FOLLOWING STATEMENT AS RESPONSE TO ALLIED QUESTIONS. BEGIN TEXT:

THE FEDERAL PROSECUTOR GENERAL WENT TO BERLIN IN ORDER TO BE INFORMED ON THE SPOT OF THE INVESTIGATIONS TAKING PLACE THERE. IN DISCUSSIONS WITH THE BERLIN SENATOR FOR JUSTICE AND WITH THE BERLIN PROSECUTOR GENERAL HE BECAME CONVINCED THAT BERLIN POLICE MEASURES HAD BEEN SATISFACTORILY SET IN MOTION.

THE INVESTIGATIONS OF THE KIDNAPPING ARE BEING CONDUCTED BY THE OFFICE OF THE BERLIN PROSECUTOR GENERAL. THE SPECIAL STAFF FORMED IN BERLIN IS NOT SUBORDINATE TO THE FEDERAL PROSECUTOR GENERAL. THE INVESTIGATIONS OF THE KIDNAPPING IN BERLIN MUST BE DISTINGUISHED FROM PROCEEDINGS INITIATED BY THE FEDERAL PROSECUTOR GENERAL WITH RESPECT TO THE COERCION (NOETIGUNG) OF THE CONSTITUTIONAL ORGANS OF THE LAENDER NORTH RHINE-WESTPHALIA, HESSE AND BAVARIA. END TEXT.

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3. ACTUAL SCOPE OF ACTIVITIES OF THE BGA IN LORENZ CASE (AS DESCRIBED IN STATEMENT ABOVE) APPEAR TO BE WELL WITHIN RULES AS ESTABLISHED BY ALLIES IN BK/L(69)13. UNFORTUNATELY, PUBLICITY-SEEKING OF BUBACK CONTINUES TO RESULT IN PROMINENT PRESS STORIES WHICH EMPHASIZE GBA'S

ROLE IN GENERAL INVESTIGATION OF KIDNAPPING CASE. FOR
EXAMPLE, MARCH 7 DIE WELT FEATURED PAGE ONE STORY
ENTITLED "FEDERAL PROSECUTOR GENERAL IMPOSES NEWS
BLACKOUT," WHICH SAYS IN BODY: "THE POLICE HAVE STATED
THAT THE FEDERAL PROSECUTOR HAS ORDERED THAT NO FURTHER
INFORMATION BE GIVEN OUT IN THE LORENZ CASE. BUBACK
HIMSELF HAS TAKEN OVER THE INVESTIGATION." ON THE OTHER
HAND, DPA STORY CARRIED ON PAGE ONE OF MARCH 7

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FRANKFURTER RUNDSCHAU CARRIED ACCURATE ACCOUNT OF SITUA-
TION, WHICH READS IN PART: "FEDERAL PROSECUTOR GENERAL
SIEGFRIED BUBACK HAS STOPPED OVER IN BERLIN. A REPRE-
SENTATIVE OF THE STATE SECURITY DIVISION OF THE BERLIN
POLICE RESPONDED TO QUESTIONING ON THURSDAY (MARCH 6) BY
SAYING THAT THE MEASURES TAKEN IN CONNECTION WITH THE

MANHUNT IN BERLIN WERE BEING DIRECTED BY BERLIN POLICE
AUTHORITIES THEMSELVES. SINCE THE MANHUNT WAS SUPRA-
REGIONAL AND WAS PROCEEDING IN OTHER (SIC) FEDERAL
LAENDER, HOWEVER, THE PRESENCE OF THE FEDERAL PROSECUTOR
GENERAL SERVES TO COORDINATE THE MANHUNT." COMMENT:
BUBACK RETURNED TO BONN ON MARCH 6. END COMMENT.

4. AT QUADRIPARTITE AMBASSADORIAL LUNCH MARCH 7 THREE
ALLIED AMBASSADORS RAISED QUESTION WITH STATE SECRETARY
GEHLHOFF OF FOREIGN MINISTRY. HE AGREED DIE WELT VERSION
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OF BUBACK'S ACTIVITIES IN BERLIN WAS UNFORTUNATE AND SAID
FOREIGN MINISTRY WOULD BE PREPARED TO INDICATE TO WEST
BERLIN AUTHORITIES THAT FRG GOVERNMENT WOULD HAVE NO
OBJECTION TO PUBLIC ISSUANCE OF VOGEL-APPROVED STATEMENT
IN BERLIN.

5. WE SUGGEST USBER COORDINATE WITH BRITISH AND FRENCH
APPROACH TO GOVERNING MAYOR WITH VIEW TO ISSUANCE
OF STATEMENT ALONG LINES INDICATED.
HILLENBRAND

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